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FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

JUN 15 2011

Stephan Harris, Clerk  
Cheyenne

**UNITED STATES DISTRICT COURT  
DISTRICT OF WYOMING**

**Docket No. 10-CV-173-D**

HOWARD WILLIS )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
NATIONWIDE ADVANTAGE MORTGAGE, )  
 )  
Defendant. )

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**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO SET ASIDE DEFAULT  
JUDGMENT AND CONTINUATION**

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**COMES NOW**, Defendant Nationwide Advantage Mortgage Company, by and through undersigned counsel Romsa & Kuker, LLC, and hereby submits this Response to Plaintiff's Motion to Set Aside Default Judgment and Continuation as follows:

1. On April 26, 2011, Defendant filed its Motion for Judgment on the Pleadings and corresponding pleadings.
2. On May 19, 2011, Defendant file its Motion for Default Judgment in response to Plaintiff's failure to respond to Defendant's Motion for Judgment on the Pleadings in a timely manner.
3. Plaintiff Willis was served with the above referenced items properly and in accordance with the F.R.C.P at the address of record listed in the court file as shown on

Defendant's Certificate of Service filed herein on the pleadings reference above. Plaintiff meritless assertions to the contrary that he was not served are incorrect

4. Moreover, Default Judgment has not been issued by the Court; hence, the underlying substantive basis for his Motion is misplaced.

**WHEREFORE**, Defendant hereby prays that the Court issue an order granting its Motion for Judgment on the Pleadings and Motion for Default Judgment as more fully set forth in Defendant's Motion for Default Judgment.

**DATED** this 15<sup>th</sup> day of June, 2011.

**NATIONWIDE ADVANTAGE MORTGAGE COMPANY,**  
***Defendant***

By: \_\_\_\_\_

John M. Kuker; Wy Bar #. 6-3452

ROMSA & KUKER, LLC

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Cheyenne, WY 82001

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*ATTORNEY FOR DEFENDANT*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **Defendant's Response to Plaintiff's Motion to Set Aside Default Judgment and Continuation** served upon the following this 15<sup>th</sup> day of June, 2011, as follows:

Howard Willis  
2525 County Road 218  
Cheyenne, WY 82009

☒ U.S. MAIL  
☐ FED EX  
☐ FAX  
☐ HAND DELIVERED

\_\_\_\_\_  
ROMSA & KUKER, LLC